

(Communication from Horace Stoessel received by e-mail July 7, 2005)

Aloha, Charter Commission members:

Re: The version of the County Charter posted on the Commission's website and the County Attorney's June 15 letter to the Commission purporting to inform the public, and me by name, that the website of her department includes the same version of the Charter:

I must begin by thanking the Commission for your policy of openness, not just in this instance but in general. In this case, except for your practice of providing copies of documents for attendees I would not have known about the information in the attorney's letter.

My May 31 e-mail to the Commission (wrongly characterized by the County Attorney as a complaint) pointed out certain salient facts connected with the official version of the County Charter available from the County Clerk and discussed the relevance of the facts to the task faced by the Commission under the general theme of what changes are required for us to have a readable, understandable Charter.

The version of the Charter posted on your website is, as you know, an unofficial version produced by the county attorney's office. It differs from the current official version in two respects: it incorporates amendments adopted since 1986 in the text and adds dates of adoption for all amendments. As such, it has a certain practical value, but it falls far short of answering the broad question raised in my e-mail.

My primary purpose here is to raise this question: Is it appropriate for the Commission to post this unofficial version of the Charter without making clear that it is unofficial and explaining why it replaces the official version? My own view is that the public deserves the full truth about what it is reading even though, in this case, the unofficial version does not diverge in substance from the official version. I do not know who is empowered to authorize the kind of updated version you have posted, but in the absence of that authorization I propose that the Commission add an introductory explanation along the following lines:

"This version of the Charter is an unofficial version produced by the County Attorney's office. The content does not differ from the content of the current official version available from the County Clerk. The difference between the two versions is that this unofficial version incorporates in the text all amendments adopted since 1986 and provides adoption dates for all amendments, whereas the official version contains amendments adopted since 1986 in a kind of chronological appendix. We are posting the unofficial version because we believe it makes for easier reading, especially for anyone seeking a reliable answer to a specific question."

In view of the possibility that members of the public could draw misleading conclusions upon reading the unofficial version, I raise a secondary question as to whether it would be appropriate for the Commission to add a disclaimer. I am not suggesting anything like the disclaimer posted on the website of the attorney's office. I suggest a statement asking people not to interpret the posted version as the Commission's version of a revised Charter.

Finally, members of the County Attorney's staff are among the best positioned in government to assist the Commission. If you have not already done so, I urge the Commission to solicit testimony from them and from Amy Esaki, who currently serves on the staff of Council Services and who previously served as First Deputy County Attorney.